

**Executive Summary – Enforcement Matter – Case No. 49255**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2014-1289-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

TOTAL PETROCHEMICALS & REFINING USA PORT ARTHUR REFINERY, 7600  
32nd Street, Port Arthur, Jefferson County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes - 2014-1005-AIR-E, 2014-1550-AIR-E, and 2014-1605-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 9, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$55,000

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$27,500

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$27,500

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$25,000

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49255**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2014-1289-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 3, 2014 through June 6, 2014 and July 7, 2014 through July 18, 2014

**Date(s) of NOE(s):** July 29, 2014 and August 15, 2014

***Violation Information***

1. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1267, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and New Source Review Permit ("NSRP") Nos. 46396, PSDTX1073M1, and No44, Special Conditions ("SC") No. 1].
2. Failed to comply with the Tank Maintenance, Start-up, and Shutdown ("MSS") emissions rates [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1267, GTC and STC No. 29, and NSRP Nos. 46396, PSDTX1073M1, and No44, SC No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On September 30, 2013, the Respondent submitted a permit amendment application for NSRP Nos. 46396, PSDTX1073M1, and No44 to increase the emissions rates consistent with the projected use of the thermal oxidizer.

**Technical Requirements:**

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
  - a. Within 30 days, implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same or similar cause as Incident No. 193386;
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSRP amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
  - c. Within 45 days, submit written certification of compliance with a.; and
  - d. Within 180 days, submit written certification that either the permit amendment to increase the CO and NOx emissions rates has been obtained or that unauthorized emissions have ceased until such time that appropriate authorization is obtained.

**Executive Summary – Enforcement Matter – Case No. 49255**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2014-1289-AIR-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Rajesh Acharya, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-0577; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565  
**Respondent:** Nigel Tranter, Plant Manager, Total Petrochemicals & Refining USA  
Port Arthur Refinery, P.O. Box 849, Port Arthur, Texas 77641  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2014-1289-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Total Petrochemicals &amp; Refining USA, Inc.</b>
<b>Penalty Amount:</b>	<b>Fifty-Five Thousand Dollars (\$55,000)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Seven Thousand Five Hundred Dollars (\$27,500)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S.

Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	18-Aug-2014	<b>Screening</b>	4-Sep-2014	<b>EPA Due</b>	5-Apr-2015
	<b>PCW</b>	7-Nov-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Total Petrochemicals & Refining USA, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN102457520		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49255	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-1289-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rajesh Acharya
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$40,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$40,000
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Notes: Enhancement for two NOV's with same/similar violations, three NOV's with dissimilar violations, fifteen orders with denial of liability and one order without denial of liability. Reduction for six notices of intent to conduct an audit, one disclosure of violations and one environmental management system.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$1,062		
Estimated Cost of Compliance	\$10,000		

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$80,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$80,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$55,000
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$55,000
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Screening Date 4-Sep-2014

Docket No. 2014-1289-AIR-E

PCW

Respondent Total Petrochemicals &amp; Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49255

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	15	300%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 323%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for two NOVs with same/similar violations, three NOVs with dissimilar violations, fifteen orders with denial of liability and one order without denial of liability. Reduction for six notices of intent to conduct an audit, one disclosure of violations and one environmental management system.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 323%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 4-Sep-2014  
Respondent Case ID No. 49255  
Reg. Ent. Reference No. RN102457520  
Media [Statute] Air  
Ent. Coordinator Rajesh Acharya  
Violation Number 1

Docket No. 2014-1289-AIR-E

PCW  
Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 01267, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and New Source Review Permit ("NSRP") Nos. 46396, PSDTX1073M1, and N044, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 24,046.64 pounds ("lbs") of sulfur dioxide, 1,440.06 lbs of carbon monoxide ("CO"), 178.48 lbs of hydrogen sulfide, 399.30 lbs of nitrogen oxides ("NOx"), and 5,326.75 lbs of volatile organic compounds during an emissions event (Incident No. 193386) that began January 24, 2014 and lasted three hours and 46 minutes. The release occurred when the Wet Gas Compressor ("WGC") in the Fluidized Catalytic Cracking Unit ("FCCU") shutdown as the FCCU central control operator received a low level alarm on the lube oil reservoir. Upon investigation, it was found out that the seal oil drum (55V-3612A) was full. It was suspected that the level controllers for the drum were stuck closed. Operators opened the by-pass around the level controller into the lube oil reservoir to bring the level in 55V-312A down. The level dropped in V-312 below the shutdown point for the WGC (55C-301). Operations suspected that the level controller on V-312 was malfunctioning. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$290

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.  
**Case ID No.** 49255  
**Reg. Ent. Reference No.** RN102457520  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	24-Jan-2014	24-Mar-2015	1.16	\$290	n/a	\$290

## Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 193386. Date Required is the date the emissions event began. Final Date is the estimated compliance date.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$290

Screening Date 4-Sep-2014

Docket No. 2014-1289-AIR-E

PCW

Respondent Total Petrochemicals &amp; Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49255

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1267, GTC and STC No. 29, and NSRP Nos. 46396, PSDTX1073M1, and N044, SC No. 1

Violation Description

Failed to comply with the Tank Maintenance, Start-up, and Shutdown ("MSS") emissions rates. Specifically, the permitted Tank MSS NOx annual emissions rate of 0.32 ton per year ("tpy") based on a rolling 12-month period was exceeded for the 12-month periods ending from January 2012 through December 2012, resulting in 0.33 ton of unauthorized NOx emissions and the permitted Tank MSS CO annual emissions rate of 0.15 tpy based on a rolling 12-month period was exceeded for the 12-month periods ending from January 2012 through December 2013, resulting in 1.39 tons of unauthorized CO emissions.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 4

730 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	X
	annual	
	single event	

Violation Base Penalty \$15,000

Four semiannual events are recommended from the period of non-compliance from January 1, 2012 through December 31, 2013.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$772

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.  
**Case ID No.** 49255  
**Reg. Ent. Reference No.** RN102457520  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Jan-2012	1-Feb-2015	3.09	\$772	n/a	\$772
Other (as needed)				0.00	\$0	n/a	\$0

## Notes for DELAYED costs

Estimated cost to obtain a permit amendment to increase the NOx and CO emissions rates for the thermal oxidizer. Date Required is the first date of non-compliance. Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$772

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600582399, RN102457520, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600582399, Total Petrochemicals & Refining USA, Inc.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 22.49
<b>Regulated Entity:</b>	RN102457520, TOTAL PETROCHEMICALS & REFINING USA PORT ARTHUR REFINERY	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 45.72
<b>Complexity Points:</b>	48	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	7600 32ND ST PORT ARTHUR, TX 77642-7901, JEFFERSON COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

### ID Number(s):

**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50074**

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30002**

**WASTEWATER EPA ID TX0004201**

**AIR NEW SOURCE PERMITS REGISTRATION 11273**

**AIR NEW SOURCE PERMITS PERMIT 46396**

**AIR NEW SOURCE PERMITS REGISTRATION 55631**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453M1**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073**

**AIR NEW SOURCE PERMITS EPA PERMIT N044**

**AIR NEW SOURCE PERMITS REGISTRATION 101797**

**AIR NEW SOURCE PERMITS REGISTRATION 101776**

**AIR NEW SOURCE PERMITS REGISTRATION 110761**

**AIR NEW SOURCE PERMITS REGISTRATION 110773**

**AIR NEW SOURCE PERMITS REGISTRATION 109181**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M2**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1426**

**AIR NEW SOURCE PERMITS REGISTRATION 110768**

**AIR NEW SOURCE PERMITS REGISTRATION 110763**

**AIR NEW SOURCE PERMITS REGISTRATION 110769**

**AIR OPERATING PERMITS PERMIT 1267**

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0005H**

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**

TXD065099160

**WASTEWATER PERMIT WQ0000491000**

**AIR NEW SOURCE PERMITS REGISTRATION 121637**

**AIR NEW SOURCE PERMITS REGISTRATION 35330**

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0005H**

**AIR NEW SOURCE PERMITS AFS NUM 4824500037**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M1**

**AIR NEW SOURCE PERMITS REGISTRATION 101772**

**AIR NEW SOURCE PERMITS REGISTRATION 102135**

**AIR NEW SOURCE PERMITS REGISTRATION 118814**

**AIR NEW SOURCE PERMITS REGISTRATION 110766**

**AIR NEW SOURCE PERMITS REGISTRATION 107454**

**AIR NEW SOURCE PERMITS REGISTRATION 108341**

**AIR NEW SOURCE PERMITS REGISTRATION 110165**

**AIR NEW SOURCE PERMITS REGISTRATION 118073**

**AIR NEW SOURCE PERMITS REGISTRATION 111965**

**AIR NEW SOURCE PERMITS PERMIT 122353**

**AIR OPERATING PERMITS ACCOUNT NUMBER JE0005H**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230048**

**POLLUTION PREVENTION PLANNING ID NUMBER P00241**

**Compliance History Period:** September 01, 2008 to August 31, 2013

**Rating Year:** 2013

**Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** August 25, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 25, 2009 to August 25, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Rajesh Acharya

**Phone:** (512) 239-0577

### Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

- 3) If **YES** for #2, who is the current owner/operator? N/A  
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A  
5) If **YES**, when did the change(s) in owner or operator occur? N/A

### **Components (Multimedia) for the Site Are Listed in Sections A - J**

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 10/04/2009 ADMINORDER 2009-0491-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:O-02222 OP  
Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period. EIC A8 MOD (2)(B) HPV
- 2 Effective Date: 10/31/2009 ADMINORDER 2008-0413-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:54026, Special Conditions 1 PERMIT  
O-01267, Special Condition 26 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:O-01267, Special Condition 2(F) OP  
Description: Failure to properly report an emission event.  
Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:56409, Special Condition 1 PERMIT  
O-01267, Special Condition 27 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:20381, Special Condition 1 PERMIT  
O-02222, Special Condition 14 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:9195A, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 26 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)



30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Terms and Conditions 27 OP  
49136, General Condition 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii) MOD(2)(D)

3 Effective Date: 03/20/2010 ADMINORDER 2009-1446-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Condition 8 PERMIT  
Special Condition 26 OP  
Description: Failure to maintain allowable emissions rates.

4 Effective Date: 07/11/2010 ADMINORDER 2009-1921-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Conditions OP  
Special Condition 1 PERMIT  
Special Condition 28 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Conditions OP  
Special Condition 1 PERMIT  
Special Condition 28 OP  
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii) MOD (2)(D)

5 Effective Date: 08/09/2010 ADMINORDER 2009-2089-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 1 PERMIT  
Special Conditon 14 OP  
Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).

6 Effective Date: 08/30/2010 ADMINORDER 2010-0257-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 28 OP  
Special Condition PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii) MOD (2)(D)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2F OP

Description: Failure to properly report emission events. EIC C3 MIN (3)(C)

7 Effective Date: 08/30/2010 ADMINORDER 2006-0561-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:20381/PSD-TX-1005/N-044 PERMIT

O-02222/Special Condition 14 OP

Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN 40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units ("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP O2222 General Terms and Conditions OP

O-01267, General Terms and Conditions OP

O-01267, Special Condition 9A OP

Description: Failure to include a certificate of accuracy and completeness signed by a responsible official in reports submitted to the ED. Specifically, the following reports were not certified by a responsible official: the 05/14/04 to 11/14/04, and 11/15/04 to 05/14/05, deviation reports for FOP No. 2222; the 05/14/04 to 05/14/05, annual compliance certification for FOP No. 2222; the 11/22/04 to 05/22/05, deviation report for FOP No. 1267; and the CEMS Certification Report submitted 10/28/05.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.120

30 TAC Chapter 115, SubChapter B 115.114(a)(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:20381/PSD-TX-1005/N-044 PERMIT

O-02222/Special Condition 14 OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct the annual seal gap measurements on Tanks 800, 801, and 802 for the period covering May 14, 2004 to May 14, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:20381/PSD-TX-1005/N044 PERMIT

O-02222, Special Condition 14 OP

Description: Failure to comply with the PM and VOC emission rates. Specifically, on February 17 and March 18, 2005, the Plant experienced heater duty exceedances during which the PM and VOC emission rates limits of 2.32 and 0.57 lb/hr, respectively, were exceeded for the condensate splitter heater EPN 40CSPLth-1.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to list a rule citation in the November 14, 2004 to May 14, 2005, semiannual deviation report for FOP No. 2222. Specifically, TOTAL failed to list 30 Tex. Admin. Code § 115.114(a)(2) as part of the requirements to physically measure Tanks 800, 801, 802, and 805 for seal gaps on an annual basis. Also, for the November 22, 2004 through May 22, 2005, reporting period TOTAL failed to report deviations for FOP 1267.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate at the FPM Cooling Tower. Specifically, due to leakage during a 44 hr, 6 minute period from January 12-14, 2005, the tower released 2,125.93 lbs of VOCs, which is 1,792.5 lbs above permitted limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:56382, Special Condition 19B PERMIT

56385, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct and record daily calculations of Mixed Liquid Suspended Solids, food-to-microorganism ratios, and residence time. Specifically, records were not created and maintained for Aeration Tanks 403A, 403B, and 403C from November 22, 2004 through May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:5694A, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to comply with the fired duty rate at four emission units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter B 115.114(a)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct annual seal gap measurements on Tanks 22TANK0503, 67TANK0504, 67TANK0505, 20TANK2001, AND 20TANK2002.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct semiannual visual tank seal inspections. Specifically, TOTAL failed to conduct visual inspections between November 22, 2004 and May 22, 2005, on 28 floating roof tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:16840/PSD-TX-688M2, Special Condition 2 PERMIT

16840/PSD-TX-688M2, Special Condition 4B PERMIT

18936/PSD-TX-762M2, Special Condition 7 PERMIT

18936/PSD-TX-762M2, Special Condition 8 PERMIT

2347, Special Condition 5 PERMIT

3615/PSD-TX-058, Special Condition 2 PERMIT

43109, Special Condition 3A PERMIT

43109, Special Condition 3B PERMIT

43109, Special Condition 5 PERMIT

55684, Special Condition 7 PERMIT

9194A/PSD-TX-453M6, Special Condition 3 PERMIT

9195A/PSD-TX-436M6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain emission limits in seven emissions areas.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1D OP

Description: Failure to submit a FOP revision application no later than April 11, 2005, to codify 40 C.F.R. ch. 63, subpart UUU, into the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 5D PERMIT

54026, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to install and operate a continuous flow monitor/analyzer within 18 months (April 8, 2005) of permit issuance on October 2, 2003. Specifically, analyzers had not been installed on the North, Middle, or South flares.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain the minimum sulfur recovery efficiency of the Sulfur Recovery Unit ("SRU"). Specifically, from June 30 until July 5, 2005, the sulfur recovery efficiency at the SRU (SRU 1 and 3) was less than 99.9%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 15(a) OP

Description: Failure to conduct annual monitoring of benzene containers. Specifically, TOTAL failed to conduct annual monitoring on vacuum trucks managing benzene waste at the Plant for the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 15(a) OP

Description: Failure to conduct quarterly visual inspections of benzene containers. Specifically, TOTAL failed to conduct quarterly visual inspections on vacuum trucks managing benzene waste at the Plant during the first three quarters of the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:56385, Special Condition 12L PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct quarterly visual inspections of unburied sewer lines. Specifically, TOTAL did not conduct quarterly visual inspections on unburied VOC-bearing sewer lines on the Wastewater Collection and Treatment System between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:56385, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct daily VOC breakthrough monitoring. Specifically, the Carbon Absorption System (CAS) at the Plant was not monitored on weekends from November 22, 2004 through November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 15(a) OP

Description: Failure to install a car-seal on the CAS. Specifically, from May 22 to November 21, 2005, the CAS did not have a car-seal or other closure to serve as a flow indicator of bypass conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct monthly valve monitoring. Specifically, TOTAL is limited to seven (less than 3%) difficult-to-monitor valves; however, eight valves (3.2%), listed as difficult-to-monitor, out of 243 valves at the 829 Amine Unit, were not monitored on a monthly basis during the first quarter of the November 22, 2004 to November 21, 2005 period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to explain and authorize the delay of repair of VOC component leaks in a semiannual report. Specifically, the delay of repair explanation and authorization signature were not submitted for five components at 812-ACU1 in the deviation report for FOP 1267 covering May 22 to November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to notify the agency 30 days prior to a seal gap test. Specifically, TOTAL failed to notify the TCEQ of TOTAL's intent to conduct a seal gap test on Tanks 22TANK0505, 22TANK0482, and 22TANK0530.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 24 OP

Description: Failure to maintain the proper temperature at the Reformer Unit. Specifically, from September 5 to September 7, 2005, the Reformer Unit did not maintain the proper required temperature established by testing.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 24 OP

Description: Failure to use an EPA-approved method to identify chlorides. Specifically, on 99 occasions from May 22 until November 21, 2005, TOTAL did not use an EPA-approved method to identify chlorides on the Catalytic Cracking Regenerator ("CCR") catalyst.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:46396, Special Condition 4 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain the proper temperature at the Dock Flare 2 Stack. Specifically, on 50 occasions from May 22 to November 21, 2005, the firebox exit temperature was less than 1580 degrees F.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:17920, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct audio, visual, and olfactory (AVO) checks at least once per shift. Specifically, AVO checks

for VOC, ammonia, and hydrogen sulfide at the Sour Water Stripper Facility were not conducted from May 22, to July 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:2347, Special Condition 8A PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct AVO checks for leaks every four hours. Specifically, AVO checks at the DHT-1 and DHT-2 Units were not conducted from May 22 until July 27, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, SC 5 PERMIT

O-01267, SC 27 OP

Description: Failure to maintain reactor flame temperature. Specifically, from December 6, 2004 to January 31, 2005, February 13 through 23, 2005, March 18 to April 29, 2005, and May 6 through 23, 2005, the reactor flame temperature of 2200 degrees F (amended on July 7, 2005, to 2114 degrees F) was not maintained at SRU 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct visual inspections on internal floating roof tank seals. Specifically, TOTAL failed to conduct annual visual inspections on the roof seals for tanks 22TANK0926, 50TANK0928, 50TANK0929, and 50TANK0930 for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roofs. Specifically, TOTAL failed to conduct annual seal gap measurements on 23 tanks for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct seal gap inspections on external floating roof storage tanks. Specifically, TOTAL failed to conduct annual seal gap inspections for the period ending May 22, 2005, for tank 22TANK0938.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit correct semi-annual reports. Specifically, TOTAL failed to specify in two semi-annual reports from November 22, 2004 to November 21, 2005, whether actions taken during shutdowns, startups, and maintenance (SSM) were performed according to SSM plans.

8 Effective Date: 05/08/2011 ADMINORDER 2009-0131-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions No. 8 PERMIT

Special Condition 1 PERMIT

Special Condition 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 12 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0537 by 0.18 ton, 22TANK0541 by 5.16 tons, 22TANK0542 by 4.95 tons, 22TANK0906 by 0.65 ton, 22TANK0907 by 0.65 ton, 22TANK0917 by 1.37 tons, 22TANK0918 by 1.72 tons, 22TANK0934 by 0.39 ton, and 20TANK2000 by 0.1 ton.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 27 OP

Special Condition 8 PERMIT

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide ("CO"), 17REFREGEN by 0.8 ton for hydrogen chloride, 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, 52DHT2H-2A by 3.83 tons for NOx.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01267 General Terms and Conditions OP

O-01267 Special Condition 2F OP

Description: Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 115548. The Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01267 General Terms and Conditions OP

O-01267 Special Condition 26 OP

Permit 54026 Special Condition 1 PERMIT

Permit 9195A Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit (15SRUINCIN) occurred on October 16, 2008 releasing 37,937.78 pounds ("lbs") of sulfur dioxide and 362.12 lbs of hydrogen sulfide for a period of nine hours and 20 minutes.

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Effective Date: 07/31/2011 ADMINORDER 2010-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT

Special Condition 1 PERMIT

Special Condition 2 PERMIT

Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:General Condition 8 PERMIT  
 Special Terms and Conditions 28 PERMIT  
 Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:General Condition 8 PERMIT  
 Special Condition 2 PERMIT  
 Special Terms and Conditions 28 OP  
 Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:Special Condition 1 PERMIT  
 Special Terms and Conditions 28 OP  
 Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:Special Condition 1 PERMIT  
 Special Condition 3 PERMIT  
 Special Terms and Condition 28 OP  
 Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:Special Condition 8 PERMIT  
 Special Terms and Conditions 28 OP  
 Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:Special Condition 3 PERMIT  
 Special Terms and Conditions 28 OP  
 Description: Failure to maintain proper temperature at the chlorosorb inlet. EIC A8 C(1)(B) MOD (2)(G)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 106, SubChapter A 106.6(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)



30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT  
Special Condition 1 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 4 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to authorize Tank 586, EPN 22TANK0586, for its current service. EIC A2.c MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT  
Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 18 PERMIT  
Special Condition 19 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)

10 Effective Date: 08/27/2011 ADMINORDER 2011-0260-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:PSD-TX-1005, Special Condition 1 PERMIT  
PSD-TX-1005, Special Condition 12 PERMIT  
Special Condition 17 OP

Description: Failure to maintain allowable emissions rates and firing rates at Emission Point Number (EPN) 40CSPLTH-1.  
EIC A8c2(A)(ii) MOD(2)(D)

11 Effective Date: 04/05/2012 ADMINORDER 2011-1477-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267, Spec Terms and Cond No 29 OP  
Permit No. 5694A, Gen Cond No. 8 PERMIT  
Permit Nos 18936 & PSDTX762M3, MAERT PERMIT  
Permit Nos 18936 & PSDTX762M3, SC 8 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limit, as documented during

an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO2") hourly emission rate, and exceeded the CO and SO2 concentration limits at Emissions Point Number (EPN) 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267, Spec Terms & Cond 29 OP  
Permit No. 8983A, Spec Cond No 1 PERMIT  
Permit Nos. 3615 and PSDTX058, GC 1 PERMIT  
Permit Nos. 9194A and PSDTX453M6, SC 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267 SC No 29 OP  
Permit No. 43109, Spec Cond No 3 PERMIT  
Permit No. 43109, Spec Cond No 8 PERMIT  
Permit Nos 9195A & PSDTX453M6 SC 1 PERMIT  
Permit Nos 9195A & PSDTX453M6 SC 3A ORDER  
Permit Nos 9195A and PSDTX453M6 SC 5 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limits, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NOx concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO2 hourly emission rate, exceeded the hydrogen

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267, Spec Cond 29 OP  
Permit Nos. 9193A & PSDTX453M6, SC 2 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO2 hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the total release of 173.28 lbs of CO and 0.62 lbs

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267 SC 29 OP  
Permit Nos. 46396 & PSDTX1073M1 SC 1 PERMIT

Permit Nos. 46396 & PSDTX1073M1 SC 24 PERMIT

Permit Nos. 46396 & PSDTX1073M1 SC 26 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO<sub>2</sub> hourly emission rate of 55.31 lbs/hr for six hours and exceeded the H<sub>2</sub>S hourly emission rate of 0.03 lbs/hr for six hours at EPN 25RUINCIN, resulting in the total release of 454.56 lbs of SO<sub>2</sub>

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472

30 TAC Chapter 115, SubChapter B 115.112(a)(1)

30 TAC Chapter 116, SubChapter B 116.116(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP

PBR 30 Tex. Admin. Code § 106.472 PERMIT

Description: Failed to operate an emission source as represented in the authorization, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored volatile organic compounds ("VOC") in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP

Permit No. 56385, Spec Cond No. 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the total release of 270.259 lbs of VOC.

12 Effective Date: 08/02/2012 ADMINORDER 2012-0087-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:46396, Special Condition 1 PERMIT

54026, Special Condition 1 PERMIT

8983A, Special Condition 1 PERMIT

FOP 1267, General Terms and Conditions OP

FOP 1267, Special Condition 29 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 7, 2011 through October 14, 2011. Specifically, the Respondent released 502.02 pounds ("lbs") of hydrogen sulfide, 48,346.12 lbs of sulfur dioxide, 137.72 lbs of nitrogen oxides, 67.24 lbs volatile organic compounds, and 33.06 lbs of carbon monoxide from the North, South, and East Flares, Coke Heater 2, the Distillate Hydrotreater 3 Heater, the Sulfur Recovery Unit (SRU) 4 Tailgas Thermal

13 Effective Date: 09/29/2012 ADMINORDER 2012-0335-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: and PSDTX1073M1, Special Condition 1 PERMIT

General conditions No. 8 PERMIT

Special Condition 29 OP

Description: Failed to prevent unauthorized emissions. Specifically, Respondent released 12,089.02 pounds ("lbs") of nitrogen oxides, 8,773.33 lbs of sulfur dioxide, 574.33 lbs of carbon monoxide, 526.13 lbs of volatile organic compounds, 173.55 lbs of particulate matter, and 91.93 lbs of hydrogen sulfide from the Coker Flare and the Cogeneration Stack

during an avoidable emissions event (Incident Nos. 160291 and 160297) that began on October 7, 2011, and lasted 17 hours. The event was the result of hydrog

14 Effective Date: 04/27/2013 ADMINORDER 2012-0821-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. 1 PERMIT  
Special Conditions No. 10 PERMIT

#### STC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during the reporting period of October 1, 2011 through December 31, 2011, the Respondent exceeded the allowable nitrogen oxides ("NOx") hourly emissions rate of 2.11 pounds per hour ("lbs/hr") for a total of 134 hours, the carbon monoxide ("CO") parts per million ("ppm") limit of 50 ppm for nine hours, and the NOx emission limit of 0.01 pound per million Brit

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit No. 46396, SC No. 1 PERMIT

#### STC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on December 2, 2011, the Respondent exceeded the particulate matter ("PM") maximum allowable hourly emissions rate of 0.74 lb/hr for EPN 06VDU2CHTR.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:& PSDTX1073M1, SC 1 PERMIT

SC 1A OP

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate and to maintain a floating roof, as documented during a record review conducted on March 2, 2012. Specifically, for a total of two hours during the reporting period of January 1, 2011 through March 31, 2011, the Respondent exceeded the allowable volatile organic compounds ("VOC") hourly emission rate of 0.66 pound per hour ("lb/hr") when the roof of Tank 543 was not floating on the liquid in the tank, resulting in the unauthorized releas

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:& PSDTX1073M1, SC 1 PERMIT

& PSDTX1073M1, SC 10 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during the reporting period of July 1, 2011 through September 30, 2011, the Respondent exceeded the allowable nitrogen oxides ("NOx") hourly emission rate of 2.11 lb/hr for a total of 115 hours and the NOx emission limit of 0.01 lbs per million British thermal units ("lb/MMBtu") on an hourly average was exceeded for 137 hours at Emission Point No. 30CKRHTR2,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:& PSDTX1073M1, SC 1 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during performance stack tests conducted on April 25 and 28, 2011, June 30, 2011, and July 1 and 2, 2011, the Respondent exceeded the particulate matter ("PM") maximum allowable hourly emissions rate of 0.60 lb/hr for EPNs 25SRUINCIN and 36SRUINCIN

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:& PSDTX1073M1, SC 1 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on July 26, 2011, the Respondent exceeded the PM maximum allowable hourly emissions rate of 0.74 lb/hr for EPN 06VDU2CHTR.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:& PSDTX1073M1, SC 1 PERMIT

SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on May 25, 2011, the Respondent exceeded the PM maximum allowable hourly emissions rate of 1.57 lbs/hr for EPN 30CKRHTR1.

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Effective Date: 11/11/2013 ADMINORDER 2013-0298-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:and PSDTX1073M2, Special Condition 1 PERMIT

General Terms and Conditions OP

Special Condition 29 OP

Description: Failure to maintain an emission rate below the allowable emission limit at EPN 36SRUINCIN.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:and PSDTX1005, Special Condition 1 PERMIT

General Terms and Conditions OP

Special Condition 29 OP

Description: Failure to comply with the emissions limits as found in Permit 20381.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

PSDTX1073M1, N044, SPECIAL CONDITIONS 1 PERMIT

SPECIAL TERMS AND CONDITIONS 29 OP

SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:, PSDTX1073M1, AND N044, SC 1 PERMIT  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL TERMS AND CONDITIONS 29 OP  
SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP  
PSDTX1073M1 N044, SPECIAL CONDITIONS 1 PERMIT  
SPECIAL TERMS AND CONDITIONS 29 OP  
SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	August 27, 2009	(767640)
Item 2	August 31, 2009	(763762)
Item 3	September 09, 2009	(804456)
Item 4	October 05, 2009	(766803)
Item 5	October 13, 2009	(766561)
Item 6	October 16, 2009	(804457)
Item 7	October 19, 2009	(767318)
Item 8	October 23, 2009	(764009)
Item 9	November 03, 2009	(780844)
Item 10	November 05, 2009	(778036)
Item 11	November 10, 2009	(781160)
Item 12	November 18, 2009	(804458)
Item 13	November 24, 2009	(782730)
Item 14	December 01, 2009	(781499)
Item 15	December 09, 2009	(784593)
Item 16	December 14, 2009	(804459)
Item 17	December 23, 2009	(784332)
Item 18	December 29, 2009	(784896)
Item 19	January 15, 2010	(804460)
Item 20	February 08, 2010	(788346)
Item 21	February 09, 2010	(787401)
Item 22	February 15, 2010	(786380)
Item 23	February 17, 2010	(791215)
Item 24	March 10, 2010	(830807)
Item 25	March 23, 2010	(793733)
Item 26	March 30, 2010	(795174)
Item 27	April 12, 2010	(797840)
Item 28	April 13, 2010	(797733)
Item 29	April 16, 2010	(798879)
Item 30	April 26, 2010	(795684)

Item 31	May 06, 2010	(796813)
Item 32	May 28, 2010	(824387)
Item 33	June 02, 2010	(803580)
Item 34	June 10, 2010	(846243)
Item 35	June 17, 2010	(803554)
Item 36	July 13, 2010	(860839)
Item 37	August 13, 2010	(830163)
Item 38	September 14, 2010	(873876)
Item 39	September 16, 2010	(864088)
Item 40	September 20, 2010	(844707)
Item 41	October 18, 2010	(881477)
Item 42	October 28, 2010	(869954)

Item 43	October 29, 2010	(872259)
Item 44	November 03, 2010	(864116)
Item 45	November 18, 2010	(888008)
Item 46	December 17, 2010	(896210)
Item 47	January 20, 2011	(886654)
Item 48	February 12, 2011	(894703)
Item 49	March 11, 2011	(916319)
Item 50	April 08, 2011	(924760)
Item 51	May 24, 2011	(908045)
Item 52	June 10, 2011	(914692)
Item 53	June 17, 2011	(945323)
Item 54	August 10, 2011	(933596)
Item 55	August 29, 2011	(933491)
Item 56	September 12, 2011	(951969)
Item 57	September 22, 2011	(956724)
Item 58	October 11, 2011	(971351)
Item 59	October 12, 2011	(952093)
Item 60	October 14, 2011	(958045)
Item 61	November 11, 2011	(977511)
Item 62	November 29, 2011	(958801)
Item 63	November 30, 2011	(969375)
Item 64	December 09, 2011	(984277)
Item 65	December 16, 2011	(974564)
Item 66	January 13, 2012	(990579)
Item 67	January 19, 2012	(976971)
Item 68	February 07, 2012	(982732)
Item 69	February 17, 2012	(980732)
Item 70	February 24, 2012	(988060)
Item 71	April 16, 2012	(1010027)
Item 72	April 19, 2012	(988208)
Item 73	April 30, 2012	(997171)
Item 74	May 08, 2012	(1002073)
Item 75	May 16, 2012	(1002274)
Item 76	May 18, 2012	(1016422)
Item 77	May 30, 2012	(1002953)
Item 78	June 09, 2012	(1008869)
Item 79	July 27, 2012	(1021025)
Item 80	August 09, 2012	(1015946)
Item 81	August 10, 2012	(1037914)
Item 82	August 16, 2012	(1022467)
Item 83	August 20, 2012	(1027339)
Item 84	August 21, 2012	(1021951)
Item 85	September 12, 2012	(1028012)
Item 86	September 17, 2012	(1046642)
Item 87	September 18, 2012	(1031369)
Item 88	October 15, 2012	(1036834)

Item 89	October 26, 2012	(1027738)
Item 90	November 12, 2012	(1060789)
Item 91	November 15, 2012	(1037017)
Item 92	November 19, 2012	(1042247)
Item 93	December 11, 2012	(1060790)
Item 94	January 08, 2013	(1051134)
Item 95	January 10, 2013	(1078913)
Item 96	February 05, 2013	(1053207)
Item 97	February 11, 2013	(1055972)
Item 98	February 18, 2013	(1078912)
Item 99	March 19, 2013	(1089280)
Item 100	March 28, 2013	(1072936)
Item 101	April 05, 2013	(1076725)
Item 102	April 10, 2013	(1075446)

Item 103	April 15, 2013	(1076485)
Item 104	April 16, 2013	(1095674)
Item 105	April 23, 2013	(1060427)
Item 106	April 26, 2013	(1060325)
Item 107	May 08, 2013	(1106599)
Item 108	May 10, 2013	(1088067)
Item 109	May 16, 2013	(1088781)
Item 110	May 28, 2013	(1086783)
Item 111	June 29, 2013	(1098900)
Item 112	July 10, 2013	(1117158)
Item 113	August 08, 2013	(1124915)
Item 114	September 10, 2013	(1116937)
Item 115	September 11, 2013	(1129515)
Item 116	September 18, 2013	(1116554)
Item 117	September 26, 2013	(1121822)
Item 118	October 15, 2013	(1122519)
Item 119	November 20, 2013	(1132747)
Item 120	December 09, 2013	(1147102)
Item 121	December 12, 2013	(1138271)
Item 122	January 14, 2014	(1153172)
Item 123	February 11, 2014	(1160507)
Item 124	February 21, 2014	(1145836)
Item 125	March 18, 2014	(1167152)
Item 126	April 14, 2014	(1174285)
Item 127	April 29, 2014	(1151580)
Item 128	April 30, 2014	(1151536)
Item 129	May 13, 2014	(1180473)
Item 130	May 21, 2014	(1167064)
Item 131	May 27, 2014	(1170193)
Item 132	June 20, 2014	(1187371)
Item 133	June 27, 2014	(1172310)
Item 134	June 30, 2014	(1171026)
Item 135	July 01, 2014	(1177683)
Item 136	July 07, 2014	(1178798)
Item 137	July 08, 2014	(1173965)
Item 138	July 11, 2014	(1178751)
Item 139	July 21, 2014	(1180393)
Item 140	July 22, 2014	(1172789)
Item 141	July 23, 2014	(1183745)
Item 142	July 29, 2014	(1184303)
Item 143	August 22, 2014	(1186354)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 08/30/2013 (1078177) CN600582399



Self Report? NO Classification: Moderate  
Citation: & PSDTX1073M1 Sp Conditions 1 PERMIT  
& PSDTX1073M1 Sp Conditions 10 PERMIT  
, PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 11 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 29A OP  
Description: Failure to maintain allowable NOx and CO emission rates and concentrations below permitted limits at EPN 30CKRHTR1.

Self Report? NO Classification: Moderate  
Citation: & PSDTX1073M1 Sp Conditions 1 PERMIT  
& PSDTX1073M1 Sp Conditions 10 PERMIT  
, PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 11 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 29A OP  
Description: Failure to maintain allowable NOx emission rates and concentrations below permitted limits at EPN 30CKRHTR2.

Self Report? NO Classification: Moderate  
Citation: , PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 11 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Sp Conditions 11A PERMIT  
Sp Conditions 3A PERMIT  
Special Terms and Conditions 29A OP  
Description: Failure to maintain allowable NOx and CO emission rates and concentrations below permitted limits at EPN 61BLRSTACK.

Self Report? NO Classification: Moderate  
Citation: & PSDTX762M3 Gn Conditions 8 PERMIT  
& PSDTX762M3 Sp Conditions 1A PERMIT  
& PSDTX762M3 Sp Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 15 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 3C PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 29A OP  
Description: Failure to maintain allowable CO and SO2 emissions rates and concentrations below permitted limits at EPN 55RGNFLUGS.

Self Report? NO Classification: Moderate  
Citation: & PSD-TX-453M6, Sp Conditions 1 PERMIT  
, PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Special Terms and Conditions 29A OP  
Special Terms and Conditions 32B OP

Description: Failure to maintain allowable NOx and CO emission rates below permitted limits at EPN 01ACU1H101.

Self Report? NO Classification: Moderate

Citation: , PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 29A OP

Description: Failure to maintain allowable NOx emission rates below permitted limits at EPN 01VACTH301.

Self Report? NO Classification: Moderate

Citation: & PSD-TX-453M6, Sp Conditions 1 PERMIT  
  
, PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 29A OP

Description: Failure to maintain allowable CO and SO2 emission rates below permitted limits at EPN 15SRUINCIN.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)  
5C THSC Chapter 382 382.085(b)  
Applicable Requirements Summary OP  
General Terms and Conditions OP  
Sp Conditions 2 PERMIT  
Sp Conditions 7I PERMIT  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 1C OP  
Special Terms and Conditions 29A OP

Description: Failure to conduct LDAR repairs required by 40 CFR Part 60, Subpart GGG in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Applicable Requirements Summary OP  
General Terms and Conditions OP  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 1D OP

Description: Failure to operate with a cap, blind flange, plug, or secondary valve installed on equipment in VOC service.

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1 Sp Conditions 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP  
Sp Conditions 1 PERMIT  
Special Terms and Conditions 29A OP

Description: Failure to maintain allowable VOC emission rates below permitted yearly limits at 2 storage tanks and diesel cap.

Self Report? NO Classification: Moderate

Citation: , PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Sp Conditions 1 PERMIT  
Special Terms and Conditions 29A OP

Description: Failure to maintain allowable CO emission rates below permitted limits during MSS at EPN MSS\_TANK.

Self Report? NO Classification: Moderate

Citation: , PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 24 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 25 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
5C THSC Chapter 382 382.085(b)  
Applicable Requirements Summary OP  
General Terms and Conditions OP  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 1C OP  
Special Terms and Conditions 1D OP  
Special Terms and Conditions 29A OP

Description: Failure to maintain allowable SO2 emission rates and concentrations below permitted limits at EPN 36SRUINCIN.

Self Report? NO Classification: Moderate

Citation: , PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 29A OP

Description: Failure to maintain allowable CO emission rates below permitted limits at EPN 13UNIBH301.

Self Report? NO Classification: Moderate

Citation: , PSDTX1073M1 & N044 Sp Conditions 3K PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 55G PERMIT  
, PSDTX1073M1 & N044 Sp Conditions 55L PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
5C THSC Chapter 382 382.085(b)  
Applicable Requirements Summary OP  
General Terms and Conditions OP  
Special Terms and Conditions 1A OP  
Special Terms and Conditions 29A OP

Description: Failure to conduct monthly pump seal inspections as required by 40 CFR Part 60, Subpart GGG.

Self Report? NO Classification: Moderate

Citation: , PSDTX1073M1 & N044 Sp Conditions 41(H) PERMIT

30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Applicable Requirements Summary OP  
 General Terms and Conditions OP  
 Special Terms and Conditions 1A OP  
 Special Terms and Conditions 29A OP  
 Description: Failure to conduct primary and secondary seal tank inspections. B19g(1) MOD(2)  
 (E) VTN 509580  
 Self Report? NO Classification: Moderate  
 Citation: , PSDTX1073M1 & N044 Sp Conditions 41C PERMIT  
 , PSDTX1073M1 & N044 Sp Conditions 5F PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.120  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(g)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
 5C THSC Chapter 382 382.085(b)  
 Applicable Requirements Summary OP  
 General Terms and Conditions OP  
 Special Terms and Conditions 1A OP  
 Special Terms and Conditions 29A OP  
 Special Terms and Conditions 1D OP  
 Description: Failure to conduct secondary seal tank inspections and annual visual tank  
 inspections as required by 30 TAC Chapter 115, 40 CFR Part 63, Subpart G  
 and/or CFR Part 63, Subpart CC.  
 Self Report? NO Classification: Moderate  
 Citation: , PSDTX1073M1 & N044 Gn Conditions 8 PERMIT  
 , PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
 , PSDTX1073M1 & N044 Sp Conditions 14A PERMIT  
 , PSDTX1073M1 & N044 Sp Conditions 3C PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Terms and Conditions 29A OP  
 Description: Failure to maintain allowable H2S concentrations below permitted limits within the  
 refinery fuel gas which resulted in the failure to maintain allowable SO2 emission  
 rates below permitted limits at EPN 01ACU1202A, 01ACU1202B, 06VDU2CHTR,  
 10DEMEXH-2, 10DEMEXH-4 and 30CKRHTR1.  
 Self Report? NO Classification: Moderate  
 Citation: , PSDTX1073M1 & N044 Sp Conditions 1 PERMIT  
 , PSDTX1073M1 & N044 Sp Conditions 12 PERMIT  
 , PSDTX1073M1 & N044 Sp Conditions 13 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter B 117.105(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Applicable Requirements Summary OP  
 General Terms and Conditions OP  
 Special Terms and Conditions 1A OP  
 Special Terms and Conditions 29A OP  
 Description: Failure to maintain allowable NOx concentrations below permitted limits at EPN  
 60COGENSTK. B19(G)(1) MOD(2)(D) VTN 509879

Date: 09/30/2013 (1135245) CN600582399  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

3

Date: 10/31/2013 (1140645) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

4

Date: 08/15/2014 (1184314) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 25 PERMIT  
Special Condition 29 OP  
Description: Failure to maintain SO2 concentration and temperature limits from SRU's as listed  
in Attachment E of Permit 46396.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11 PERMIT  
Special Condition 29 OP  
Description: Failure to comply with NOx and CO emissions limits for Heaters as permitted by  
Attachment B of Permit 46396.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1(A) OP  
Special Condition 29 OP  
Special Condition 55(E) PERMIT

Description: Failure to cap open-ended lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 29 OP

Description: Failure to comply with emissions limits as listed in the MAERT of Permit 46396.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 29 OP  
Special Condition 50(A) PERMIT

Description: Failure to maintain net heating value of the gas being combusted at 300 British  
thermal units/standard cubic feet (Btu/scf) at the South Flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19 PERMIT  
Special Condition 29 OP

Description: Failure to comply with PM emissions limits from the FCCU.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 16 PERMIT

Special Condition 29 OP  
 Description: Failure to maintain scrubber flow rates and liquid to gas ratio in accordance with the requirements of SC 16 of Permit 46396.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 Special Condition 29 OP  
 Description: Failure to maintain VDU heater; EPN: 06VDU2CHTR, at 99 MMBtu/hr per the permit representation of Permit 46396.

5

Date: 08/15/2014 (1180254) CN600582399  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.1130  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(b)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to submit an initial notification for 29 Boilers and Process Heaters operating at the refinery.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 Description: Failure to report a deviation in a Semiannual Deviation Report and Annual Compliance Certification.

#### F. Environmental audits:

Notice of Intent Date: 09/08/2009 (776664)  
 No DOV Associated

Notice of Intent Date: 11/30/2011 (981069)  
 No DOV Associated

Notice of Intent Date: 05/08/2013 (1093847)  
 No DOV Associated

Notice of Intent Date: 05/15/2013 (1102524)  
 No DOV Associated

Notice of Intent Date: 06/28/2013 (1102501)  
 Disclosure Date: 02/18/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor one 199 valves in gas/vapor and light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)

Description: Failure to submit initial semiannual reports for 199 valves in gas/vaport and light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure monthly monitor five pumps in light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)

Description: Failure to submit an initial semiannual report for five pumps in light liquid service in the Diesel Hydrotreater

1 Unit (Unit 805).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)  
Description: Failure to conduct initial inspection of the closed vent system in the Diesel Hydrotreater 1 Unit (Unit 805).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)  
Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (in the Diesel Hydrotreater 1 Unit (Unit805).  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to quarterly monitor one valve in light liquid service in the Gasoline Re-run Unit (Unit 810).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)  
Description: Failed to conduct an initial inspection of the closed vent system in the Gasoline Re-run Unit (Unit 810).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)(ii)  
Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (Gasoline Re-run Unit 810).  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 93 valves in gas/vapor and light liquid service in the Atmospheric Crude Unit #2 (Unit 812).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)  
Description: Failure to conduct initial inspection of the closed vent system in Unit 812-Atmospheric Crude Unit #2.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)  
Description: Failure to conduct annual visual inspections of closed vent system for visible, audible, or olfactory indications of leaks (Unit 812 - Atmospheric Crude Unit #2).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 66 valves in gas/vapor and light liquid service (Unit 813 - Diesel Hydrotreater Unit #2).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)  
Description: Failure to conduct initial inspection of the closed vent system (Unit 813 - Diesel Hydrotreater Unit #2).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)  
Description: Failure to conduct annual visual inspections of closed vent system for visible, audible, and olfactory indications of leaks (Unit 813 - Diesel Hydrotreater Unit #2).  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 94 valves in gas/vapor and light liquid service (Unit 820 - Unibon Unit).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)  
Description: Failure to conduct initial inspection of the closed vent system (Unit 820 - Unibon Unit).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)  
Description: Failure to conduct annual inspections of the closed vent system for visible, audible, or olfactory indications of leaks (Unit 820 - Unibon Unit).  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Condition No. 55.F.

Description: Failure to monthly monitor 134 valves in gas/vapor and light liquid service (Unit 821- Demex Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor one valve in light liquid service (Unit 821-Demex Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 821 - Demex Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, or olfactory indications of the leaks (Unit 821 - Demex Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure to monthly monitor 80 valves in gas/vapor and light liquid service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure to monthly monitor two pumps in light liquid service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)

Rqmt Prov: PERMIT Special Condition No. 55.F.

Description: Failure to monitor one pressure relief valve in gaseous service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual inspections of the closed vent system for visual, audible, and olfactory indications of leaks (Unit 826 - Diesel Hydrotreat #2 Florida Unit).

Notice of Intent Date: 10/07/2013 (1123845)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

1 ENVIRONMENTAL MANAGEMENT SYSTEM 30 TAC CERTIFIED

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOTAL PETROCHEMICALS &  
REFINING USA, INC.  
RN102457520**

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§  
§  
§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-1289-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Total Petrochemicals & Refining USA, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a chemical manufacturing plant at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on June 3, 2014 through June 6, 2014, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, the Respondent released 24,046.64 pounds ("lbs") of sulfur dioxide, 1,440.06 lbs of carbon monoxide ("CO"), 178.48 lbs of hydrogen sulfide, 399.30 lbs of nitrogen oxides ("NOx"), and 5,326.75 lbs of volatile organic compounds during an emissions event (Incident No. 193386) that began January 24, 2014 and lasted three hours and 46 minutes. The release occurred when the Wet Gas Compressor ("WGC") in the Fluidized Catalytic Cracking Unit ("FCCU") shutdown as the FCCU central control operator received a low level alarm on the lube oil reservoir. Upon investigation, it was found out that the seal oil drum (55V-3612A) was full. It was suspected that the level controllers for the drum were stuck closed. Operators opened the by-pass around the level controller into the lube oil reservoir to bring the level in 55V-312A down. The level dropped in V-312 below the shutdown point for the WGC (55C-301). Operations suspected that the level controller on V-312 was malfunctioning. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation conducted on July 7, 2014 through July 18, 2014, TCEQ staff documented that the Respondent failed to comply with the Tank Maintenance, Start-up, and Shutdown ("MSS") emissions rates. Specifically, the permitted Tank MSS NOx annual emissions rate of 0.32 ton per year ("tpy") based on a rolling 12-month period was exceeded for the 12-month periods ending from January 2012 through December 2012, resulting in 0.33 ton of unauthorized NOx emissions and the permitted Tank MSS CO annual emissions rate of 0.15 tpy based on a rolling 12-month period was exceeded for the 12-month periods ending from January 2012 through December 2013, resulting in 1.39 tons of unauthorized CO emissions.
5. The Respondent received notices of the violations on July 31, 2014 and August 19, 2014.
6. The Executive Director recognizes that on September 30, 2013, the Respondent submitted a permit amendment application for New Source Review Permit ("NSRP") Nos. 46396, PSDTX1073M1, and No44 to increase the emissions rates consistent with the projected use of the thermal oxidizer.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c),

and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01267, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and NSRP Nos. 46396, PSDTX1073M1, and No44, Special Conditions ("SC") No. 1.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the Tank MSS emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01267, GTC and STC No. 29, and NSRP Nos. 46396, PSDTX1073M1, and No44, SC No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Fifty-Five Thousand Dollars (\$55,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twenty-Seven Thousand Five Hundred Dollars (\$27,500) of the administrative penalty. Twenty-Seven Thousand Five Hundred Dollars (\$27,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Fifty-Five Thousand Dollars (\$55,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals & Refining USA, Inc., Docket No. 2014-1289-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Twenty-Seven Thousand Five Hundred Dollars (\$27,500) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same or similar cause as Incident No. 193386;
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSRP amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a.;
  - d. Within 180 days after the effective date of this Agreed Order, submit written certification that either the permit amendment to increase the CO and NOx emissions rates has been obtained or that unauthorized emissions have ceased until such time that appropriate authorization is obtained, as described in Ordering Provision No. 3.e. below; and
  - e. Written certifications required by Ordering Provision Nos. 3.c., and 3.d. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pamela M. ...  
For the Executive Director

7/17/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Total Petrochemicals & Refining USA, Inc. I am authorized to agree to the attached Agreed Order on behalf of o, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, o waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

N. Tranter  
Signature

12/08/14  
Date

N. TRANTER  
Name (Printed or typed)  
Authorized Representative of  
Total Petrochemicals & Refining USA, Inc.

PLANT MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.





**Attachment A**  
**Docket Number: 2014-1289-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Total Petrochemicals &amp; Refining USA, Inc.</b>
<b>Penalty Amount:</b>	<b>Fifty-Five Thousand Dollars (\$55,000)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Seven Thousand Five Hundred Dollars (\$27,500)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S.

Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.